

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

DAVID CODELL PRIDE, JR.,

Plaintiff,

v.

M. CORREA, et al.,

Defendants.

Case No. 07CV1382-BEN(JMA)

**ORDER SETTING MANDATORY
SETTLEMENT CONFERENCE**

A Mandatory Settlement Conference will be held on **May 12, 2014** at **2 p.m.** All named parties, all counsel, and any other person(s) whose authority is required to negotiate and enter into settlement shall appear **in person at the conference.** **The individual(s) present at the Mandatory Settlement Conference with settlement authority must have the unfettered discretion and authority on behalf of the party to:**

1) fully explore all settlement options and to agree during the Mandatory Settlement Conference to any settlement terms acceptable to the party (G. Heileman Brewing Co., Inc. v. Joseph Oat Corp., 871 F.2d 648, 653 (7th Cir. 1989)), 2) change the settlement position of a party during the course of the Mandatory Settlement Conference (Pitman v. Brinker Int'l, Inc., 216 F.R.D. 481, 485-86 (D. Ariz. 2003)),

1 **and 3) negotiate a settlement without being restricted by any**
2 **predetermined level of authority (*Nick v. Morgan's Foods, Inc.*, 270**
3 **F.3d 590, 596 (8th Cir. 2001)).**

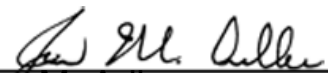
4 Governmental entities may appear through litigation counsel only. As
5 to all other parties, appearance by litigation counsel only is not acceptable.
6 Retained outside corporate counsel shall not appear on behalf of a
7 corporation as the party who has the authority to negotiate and enter into a
8 settlement. **The failure of any counsel, party or authorized person to**
9 **appear at the Mandatory Settlement Conference as required shall be**
10 **cause for the immediate imposition of sanctions.** All conference
11 discussions will be informal, off the record, privileged, and confidential.

12 If Plaintiff is incarcerated in a penal institution or other facility, the
13 Plaintiff's presence is not required at conferences before Judge Adler, and
14 the Plaintiff may appear by telephone. In that case, counsel are to
15 coordinate the Plaintiff's appearance by telephone.

16 Settlement briefs are not required. If a party elects to submit an
17 updated settlement statement, it should be submitted to Magistrate Judge
18 Adler's chambers no later than **May 8, 2014.**¹

19 **IT IS SO ORDERED.**

20
21 DATED: April 28, 2014

22 
23 Jan M. Adler
24 U.S. Magistrate Judge

25
26 ¹Statements under 20 pages in length, including attachments and exhibits,
27 may be e-mailed to efile_adler@casd.uscourts.gov, faxed to (619) 702-9939, or
28 delivered to chambers via the Office of the Clerk of Court at 333 West Broadway,
Suite 420, San Diego, California. Statements exceeding 20 pages in length,
including attachments and exhibits, must be delivered to chambers via the Office
of the Clerk of Court.